

UNITED STATES COURT OF APPEALS

AUG 7 2001

TENTH CIRCUIT

PATRICK FISHER
Clerk

THEODORE HOGAN,

Plaintiff-Appellant,

v.

COLGATE-PALMOLIVE
COMPANY,

Defendant-Appellee.

No. 00-3360

(D.C. No. 99-CV-2423-JWL)

(D. Kan.)

ORDER AND JUDGMENT*

Before **SEYMOUR** and **McKAY**, Circuit Judges, and **BRORBY**, Senior Circuit Judge.

After examining the briefs and appellate record, this panel has determined unanimously to honor the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f). The case is therefore submitted without oral argument.

Plaintiff-Appellant Theodore Hogan appeals the district court's summary judgment dismissal of his 42 U.S.C. § 1981 retaliation claim. Appellant claimed

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

that Defendant Colgate-Palmolive Company interfered with Appellant's settlement of a claim against Defendant's long-term disability insurance provider in retaliation for his filing of an EEOC charge against Defendant. Nearly three years after Appellant filed his charge, two of Defendant's employees urged the insurance provider to let the insurance claim lie dormant in light of Appellant's extended inaction on the claim. Appellant alleged that this communication eventually caused the insurance provider to refuse settlement with Appellant. On Defendant's motion, the district court dismissed the action in its entirety.

We review a district court's grant of summary judgment de novo, applying the same legal standard used by the district court under Rule 56(c). See NLRB v. Pueblo of San Juan, 228 F.3d 1195, 1198 (10th Cir. 2000). We have studied the briefs of the parties, the record on appeal, and the applicable law, and affirm for substantially the reasons stated by the district court in its Memorandum and Order of October 4, 2000.

Accordingly, the judgment of the United States District Court for the District of Kansas is AFFIRMED.

Entered for the Court

Monroe G. McKay
Circuit Judge